

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE**

NANCY ROE, Plaintiff,)	
)	
)	
v.)	CAUSE NO.: 4:18-CV-89-JEM
)	
PURDUE UNIVERSITY, <i>et al.</i> , Defendants.)	
)	

ORDER

This matter is before the Court on a Joint Motion for Vacatur of Judgments [DE 223], filed on November 30, 2023.

On September 23, 2022, the five-day jury trial resulted in a verdict in favor of Plaintiff Roe against Defendant Purdue pursuant to Title IX, with a damages award of \$10,000, and a verdict in favor of Plaintiff Roe against Defendants Sermersheim and Rollock pursuant to § 1983, with no damages awarded. The Court also granted in part Plaintiff's Petition for Attorneys' Fees and Costs, awarding attorneys' fees totaling \$124,860 and taxing costs totaling \$10,710.93, and entered judgment against Defendants on the attorney fee award and ordered an injunction against Purdue. On May 18, 2023, this Court granted Plaintiff's Supplemental Motion for Attorney Fees and entered an additional judgment against Defendants for \$32,215.

Defendants appealed each of these orders, and those appeals remain pending before the Seventh Circuit Court of Appeals. In a motion seeking an indicative ruling, the parties represented that they have reached a conditional settlement of all disputes between them and seek vacatur of this Court's judgments of September, 2022, March, 2023, and May, 2023.

The Court issued an Order on November 7, 2023 indicating to the Seventh Circuit Court of Appeals that it would be inclined to vacate the judgments if the matter was remanded [DE 219]. On November 14, 2023, the Seventh Circuit Court of Appeals issued an order remanding the case. The parties thereafter filed the instant motion for vacatur of the judgments.

The parties filed forms of consent to have this case assigned to a United States Magistrate Judge to conduct all further proceedings and to order the entry of a final judgment in this case. Therefore, this Court has jurisdiction to decide this case pursuant to 28 U.S.C. § 636(c).

Federal Rule of Civil Procedure 60(b) grants district courts the authority to “relieve a party . . . from a final judgment” for “any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(6). Rule 60(b), and in particular its “catch-all” clause 60(b)(6), “vests power in courts adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice.” *Klapprott v. United States*, 335 U.S. 601, 614-15 (1949).

For the reasons set forth in this Court’s Order of November 7, 2023, adopted herein, the Court hereby **GRANTS** the Joint Motion for Vacatur of Judgments [DE 223]. The Court **ORDERS** that the September 23, 2022 judgment and the September 27, 2022 amended judgment in this case [DE 145, 146], as well as the March 31, 2023 and May 17, 2023 attorney’s fees awards, judgments, and injunctions [DE 189, 190, 191, 192, and 202] are hereby **VACATED**.

SO ORDERED this 4th day of December, 2023.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record